Imprinted at Edinburgh by Robert Young, Printer to the Kings moſt excellent Majeſtie.

CUM PRIVILEGIO.

Anno 1638.

Charles R.

CHARLES by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith. To our Lovits Maiſſars, Heraulds, Purſevants, our Sheriffs, in that part conjunctly and ſeverally ſpecially conſtitute, greeting. Whereas for the removing of the diſorders which had happened of

late within this our kingdome, and for ſeeling of a perfect peace in the church and common-wealth thereof, we were pleaſed to cauſe indict a free generall aſſembly to be holden at Glaſgow the xxi. of November laſt: And for our ſubjects their better content and aſſurance that they ſhould be freed of all ſuch things as by their petitions and ſupplications given in to the Lords of our privie Councell, they ſeemed to be grieved at, We in ſome ſort preveened the aſſembly, by diſcharging by our proclamation the ſervice book, book of canons, and high commiſſion, freed and liberate our ſubjects from the practiſing of the five articles, eximed all miniſters at their entrie from giving any other oath then that which is contained in the act of parliament, made all perſons both eccleſiaſticall and civill lyable to the cenſure of Parliament, generall Aſſembly, or any other judicatorie competent, according to the nature of their offence: had declared all by-gone diſorders abſolutely forgotten and forgiven: and laſt, for ſecuring to all poſteritie the truth and liberty of religion, did command the confeſſion of faith, and band for maintenance thereof, and of authoritie in defence of the ſame, ſubſcribed by our deare Father, and his houſhold, *in anno* 1580. to be renued and ſubſcribed again by our ſubjects here: And albeit that this our gracious and pious command, in ſtead of obedience and ſubmiſsion, rancountred open and publick oppoſition, and proteſtation againſt the ſame: And that they continued their daily and hourely guarding and watching our Caſtle of Edinburgh, ſuffering nothing to be imported therein, but at their diſcretion, ſtop-

ping and impeding any importation of ammunition, or other neceſſaries whatſoever to any of our houſes within this kingdome: Denying to us their ſoveraigne Lord that libertie and freedome, which the meaneſt of them aſſume to themſelves (an act without precedent or example in the chriſtian world) Like as they ſpared not boldly and openly to continue their conventions and councell tables of Nobilitie, Gentrie, Miniſters and Burgeſſes within the city of Edinburgh, where not regarding the lawes of the kingdome, without warrant of authoritie, they conveened, aſſembled, and treated upon matters, as well eccleſiaſticall as civill, ſent their injunctions and directions throughout the countrey to their ſubordinate tables, and other under miniſters appointed by them for that effect. And under colour and pretext of religion, exercing an unwarranted libertie, required obedience to their unlawfull and illegall directions, to the ſeene prejudice of authoritie, and lawfull monarchicall government. And notwithſtanding it was evidently manifeſt by the illegall and unformall courſe taken in the election of the commiſſioners for the aſſembly, whereof ſome of them were under the cenſure of this church, ſome under the cenſure of the church of Ireland, ſome long ſince baniſhed for open and avowed teaching againſt monarchie, others of them ſuſpended, and ſome admitted to the miniſterie contrary to the form preſcribed by the lawes of this kingdome, others of them rebels, and at the horne, ſome of them confined, and all of them by oath and ſubſcription bound to the overthrow of epiſcopall government. And by

this and other their under-hand working, and private informations and perſwaſions, have given juſt ground of ſuſpicion of their partialitie, and ſo made themſelves unfit judges of what concerneth epiſcopacie. And als albeit it was ſufficiently cleared by the peremptorie and illegall procedures of the presbyteries, who at their own hand by order of law, and without due forme of proceſſe, thruſt out moderators lawfully eſtabliſhed, and placed others, whom they found moſt inclinable to their turbulent humors, aſſociate to themſelves for chooſing of the commiſſioners to the aſſembly, a laick elder out of each pariſh, who being in moſt places equall, if not moe in number then the miniſterie, made choice both of the miniſters, who ſhould be commiſſioners from the presbyteries, as alſo of a laick elder, (which in time will prove to be of a dangerous conſequence, and import a heavie burden to the libertie of church and church men) being more directed therein by the warrants of the foreſaid pretended tables, then by their own judgements, as appeared by the ſeverall inſtructions ſent from them (far contrary to the lawes of this countrey, and lowable cuſtome of this church) ſome whereof were produced and exhibit by our Commiſſioner, and publickly read: One whereof, direct to the Noblemen and Barons of each presbyterie, doth among many other odde paſſages, require diligence, leſt (ſay they) by our own ſilineſſe and treacherie we loſe ſo faire an occaſion of our liberty both chriſtian and civill, a ſtrange phraſe to proceed from dutifull or loyall hearted ſubjects. The other to the moderators of the ſeverall presbyteries, under

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the title of PRIVATE INSTRUCTIONS, AUGUST 27. firſt, containeth that theſe private inſtructions ſhall be diſcovered to none, but to brethren well affected to the cauſe: ſecondly, order muſt be taken, that none be choſen ruling elders but covenanters, and theſe well affected to the buſineſſe: thirdly, that where the miniſter is not well affected, the ruling elder be choſen by the commiſſioners of the ſhire, and ſpoken to particularly for that effect: fourthly, that they be carefull that no chappelmen, chaptermen, or a miniſter juſtice of peace, be choſen, although covenanters, except they have publickly renounced, or declared the unlawfulneſſe of their places: fifthly, that the ruling elders come from every church, in equall number with the miniſters; and if the miniſter oppoſe, to put themſelves in poſſeſſion, notwithſtanding of any oppoſition: ſixthly, that the commiſſioner of the ſhire cauſe conveen before him the ruling elder of every kirk choſen before the day of the election, and enjoyn them upon their oath, that they give vote to none but to thoſe who are named already at the meeting at Edinburgh: ſeventhly, that where there is a nobleman in the bounds of the presbytery, he be choſen, and where there is none, there be choſen a barron, or one of the beſt quality, and he only a covenanter: eighthly, that the ableſt man in every preſbytery be provided to diſpute *de poteſtate ſupremi magiſtratus in Eccleſiaſticis preſertim in convocandis conſiliis, &c.* Whereby it is moſt evident what prelimitations, indirect and partiall courſes, and dangerous propoſitions have been uſed in the preparations and elections to this pretended aſſembly. By which unlawfull

unlawfull doings, although we had ſufficient reaſon to have diſcharged the meeting of the ſaid aſſembly, yet we were pleaſed patiently to attend the ſame, ſtill hoping that when they were met togeather by the preſence of our Commiſſioner, and aſſiſtance of ſome well affected ſubjects, who were to be there, and by their own ſeeing the reall performance of what was promiſed by our proclamation, they ſhould have been induced to return to the due obedience of ſubjects. But when we perceived that their turbulent diſpoſitions did increaſe, as was manifeſt by their repairing to the ſaid pretended aſſembly with great troups and bands of men, all boddin in fear of war, with guns, and piſtolets, contrary to the laws of this kingdome, and in high contempt of our proclamation at Edinburgh the 16. day of November laſt: And alſo by the peremptory refuſing to the aſſeſſors, authorized by us (although fewer in number then our deareſt father was in uſe to have) the power of voting in this aſſembly, as formerly they had done in all others, openly averring that we, nor our Commiſſioner, had no further power there then the meaneſt commiſſioner of their number: and by their partiall and unjuſt refuſing, and not ſuffering to be read the reaſons and arguments given in by the biſhops, and their adherents to our Commiſſioner, why they ought not to proceed to the election of a moderator, neither yet to the trying and admitting of the commiſſioners, before they were heard, though in our name they were earneſtly required thereto by our Commiſſioner: and notwithſtanding that our Commiſſioner by warrant from us, gave in under his hand a ſufficient declaration of all

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that was contained in our late proclamation, bearing likewayes our pleasure of the registration of the same in the books of assembly, for ful assurance of the truth and purity of religion to all our good subjects, as doth clearly appear by the declaration it self; whereof the tenor follows. The kings Majesty being informed that many of his good subjects have apprehended that by the introducing of the service book, and book of canons, the inbringing of superstition hath been intended, hath been graciously pleased to discharge, like as by these he doth discharge the service book, and book of canons, and the practise of them, and either of them, and annulls and rescinds all acts of councell, proclamations, and other acts and deeds whatsoever, that have been made or published for establishing them, or either of them, and declares the same to be null, and to have no force nor effect in time coming. The kings Majestie, as he conceived, for the ease and benefit of the subject, established the high commission, that thereby justice might be administrate, and the faults and errours of such persons as are made lyable thereto, taken order with, and punished with the more conveniencie, and lesse trouble to the people. But finding his gracious intention therein to be mistaken, hath been pleased to discharge, like as by these he doth discharge the same, and all acts and deeds whatsoever made for establishing thereof. And the kings Majestie being informed, that the urging of the five articles of Pearth assembly hath bred distraction in the church and estate, hath been graciously pleased to take the same into his royall

conſideration, and for the quiet and peace of this countrey hath not only diſpenſed with the practiſe of the ſaids articles, but alſo diſcharged all and whatſoever perſons from urging the practiſe thereof, upon either laick or eccleſiaſticall perſon whatſoever, and hath freed all his ſubjects from all cenſure and pains, whether eccleſiaſticall or ſecular, for not urging, practiſing, or obeying them, or any of them, notwithſtanding of any thing contained in the acts of parliament, or generall aſſembly in the contrary. And his Majeſtie is further contented, that the aſſembly take the ſame ſo far to their conſideration, as to repreſent it to the next parliament, there to be ratified as the eſtates ſhall finde fitting. And becauſe it hath been pretended that oaths have been adminiſtrate different from that which is ſet down in the acts of parliament, his Majeſtie is pleaſed to declare by me, that no other oath ſhall be required of any miniſter at his entry, nor that which is ſet down in the act of parliament. And that it may appear how carefull his Majeſtie is that no corruption nor innovation ſhall creep into this church, neither yet any ſcandall, vice, or fault of any perſon whatſoever, cenſurable or puniſhable by the aſſembly, go along unpuniſhed, his Majeſtie is content to declare by me, and aſſure all his good people, that generall aſſemblies ſhall be kept ſo oft, and als oft as the affairs of this church ſhall require. And that none of his good ſubjects may have cauſe of grievances againſt the proceedings of the prelates, his Majeſtie is content that all and every one of the preſent biſhops, and their ſucceſſors, ſhall be anſwerable, and accordingly

ingly from time to time censurable, according to their merits by the generall assembly. And to give all his Majesties good people full assurance, that he never intended to admit any alteration or change in the true religion profest within this kingdome, and that they may be truely and fully satisfied of the reality of his intentions and integrity of the same, his Majestie hath been pleased to require and command all his good subjects to subscribe the confession of faith, and band for maintenance thereof, and of his Majesties person and authority, formerly signed by his dear father, *in anno* 1580. and now also requireth all these of this present assembly to subscribe the same. And it is his Majesties will, that this be insert and registrate in the books of assembly, as a testimonie to posteritie, not only of the sinceritie of his intentions to the said true religion, but also of his resolutions to maintain and defend the same, and his subjects in the profession thereof.

Which declaration was by our speciall command and direction given in, and subscribed by our Commissioner, upon protestation made by him that his assenting to the registration hereof, should be no approbation of the lawfulnesse of this assembly, nor of any of the acts or deeds done, or to be done therein. And finding them in like sort no waies to be satisfied therewith, and that nothing else was able to give them contentment, except at their own pleasure they were permitted to overthrow all episcopall government in the church, and thereby to abrogate our publike lawes, standing in vigour by the space of many years

by-gone, and to alter the fundamental government of this kingdome, in taking away one of the three eſtates, contrary to expreſſe acts of Parliament. And leſt the continuance of their meetings might have produced other the like dangerous acts ſo derogatorie to royall authoritie, we were forced for preveening thereof, and for the reaſons and cauſes above-mentioned, and divers others importing true monarchicall government, to diſſolve and break up the ſaid pretended aſſembly, and to diſcharge them of all farther meeting, treating, and concluding any thing therein: And yet in that calme and peaceable way, as our Commiſſioner before his removing deſired their pretended moderator for that time to have ſaid prayer, and ſo concluded that daies ſeſſion, that ſo they might have had time to think upon the juſt reaſons of his refuſing to aſſiſt, or be any longer preſent at the ſaid pretended aſſembly, and of the cauſes moving us to the diſſolving thereof: and notwithſtanding his earneſt urging the ſame, and being willing to return the next morning to hear their anſwer; in place of all other ſatisfaction to his ſo reaſonable and moderate deſires, it was refuſed and met with a proteſtation of an high and extraordinary ſtraine, thereby preſuming to cite and call our Councell in queſtion, for their dutifull aſſiſtance and obedience to us and our Commiſſioner. And finding their diſobedience thus to increaſe, we were conſtrained to diſcharge them of new again the next day thereafter by publike proclamation, under the pain of treaſon. And albeit that their contumacie is ſuch as hath not been

been heard of in former times, yet they ſhall never move us to alter the leaſt point or article of that we have already declared by proclamation, or declaration under our Commiſſioners hand: All which was publickly read, and by our Commiſsioner required to be inſert and regiſtrate in the books of aſſembly, therein to remain as a teſtimonie to poſteritie, not only of the ſinceritie of our intentions to the true religion, but alſo of our reſolution to maintain and defend the ſame, and our ſubjects in the profeſsion thereof: And perceiving likewaies that in contempt of our proclamation at Glaſgow the 29. of November, they goe ſtill on to conveen, meet, and to make illegall and unwarrantable acts, we have conceived it fitting to forewarn all our good ſubjects of the danger that they may incurre by being inſnared by theſe their unlawfull procedures. And to this purpoſe do not only liberate and free them from all obedience to any of the pretended acts, made, or to be made at the ſaid pretended aſſembly, or comittees direct therefrom, but alſo do free them from all pain and cenſure which the ſaid pretended aſſembly ſhall inflict upon them, or any of them. And therefore do diſcharge and prohibit all our ſubjects, that they nor none of them acknowledge nor give obedience to any pretended acts nor conſtitutions made or to be made at the ſaid pretended meetings, under all higheſt pains. And we command, charge, and inhibite all presbyteries, ſeſsions of kirks, miniſters within this realme, that none of them preſume nor take upon hand privately nor publikely in their ſeſ-

ſions and meetings, nor in their conferences, ſermons, nor no other manner of way, to authoriſe, approve, juſtifie, or allow the ſaid unlawfull meeting, or aſſembly at Glaſgow: neither yet to make any act thereupon, nor to do any other thing private or publike, which may ſeem to countenance the ſaid unlawfull aſſembly, under the pain to be repute, holden and eſteemed and purſued as guilty of their unlawfull meeting, and to be puniſhed therefore with all rigour: And ſiclike we command all and ſundry Noblemen, Barons, Gentlemen, Magiſtrates, and all other our lieges who ſhall happen to be preſent and hear any miniſters either in publick or private conferences and ſpeeches, or in their ſermons, to approve and allow the ſaid unlawfull aſſembly, rail and utter any ſpeeches againſt our royal commandments or proceedings of us, or our Councell, for puniſhing or ſuppreſsing ſuch enormities, that they make relation and report thereof to our Councell, and furniſh probation, to the effect the ſame may be accordingly puniſhed, as they will anſwer to us thereupon: Certifying them who ſhall hear and conceal the ſaid ſpeeches, that they ſhall be eſteemed as allowers of the ſame, and ſhall accordingly be taken order with, and puniſhed therefore without favour. And to this effect we likewaies ſtraitly charge and command all Judges whatſoever within this realme, Clerks and Writers, not to grant or paſſe any bill, ſummons, or letters, or any other execution whatſoever, upon any act or deed proceeding from the ſaid pretended aſſembly, and all keepers of the ſignet from ſignetting thereof, and that

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under all higheſt paine. And becauſe we gave order and warrant to our Commiſſioner to make opendeclaration, not only of our ſenſe, but even of the true meaning of the confeſſion of faith, *in anno* 1580. by which it may clearly appear, that as we never intended thereby to exclude epiſcopacie, ſo by no right conſtruction can it be otherwayes interpreted, as is more nor evident by the reaſons contained in the ſaid declaration, and many more, which for brevity (the thing in it ſelf being ſo clear) are omitted. Herefore we do not only prohibit and diſcharge all our ſubjects from ſubſcribing any band, or giving any writ, ſubſcription, or oath to, or upon any act, or deed that proceeds from the foreſaid pretended aſſembly, but alſo do require them not to ſubſcribe, nor ſwear the ſaid confeſſion in no other ſenſe then that which is contained in the ſaid declaration, and manifeſtly emitted by our Commiſsioner, under all higheſt paines. And that none of our good ſubjects, who in their duty and bound obedience to us, ſhall refuſe to acknowledge the ſaid pretended aſſembly, or any of the pretended acts, conſtitutions, warrants, or directions proceeding therefrom, may have juſt ground of fear of danger or harm by doing thereof, we do by theſe promiſe, and upon the word of a King oblige our ſelves by all the royall authoritie and power wherewith God hath endowed us, to protect and defend them, and every one of them in their perſons, fortunes, and goods, againſt all and whatſoever perſon or perſons who ſhal dare or preſume to call in queſtion, trouble, or any waies moleſt them, or any of them therefore.

therefore. And our will is, and we charge you ſtraitly and command, that incontinent theſe our letters ſeen, you paſſe, and make publication hereof by open proclamation at the market croſſe of Edinburgh, and other places needfull, wherethrough none pretend ignorance of the ſame.

Given from our Court at Whitehall the eighth day of December, and of our Reigne the fourteenth year, 1638.

Per Regem.

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